

PREVAILED

Roll Call No. _____

FAILED

Ayes _____

WITHDRAWN

Noes _____

RULED OUT OF ORDER

HOUSE MOTION _____

MR. SPEAKER:

I move that House Bill 1951 be amended to read as follows:

- 1 Page 2, between lines 25 and 26, begin a new paragraph and
- 2 insert:
- 3 "SECTION 2. IC 27-8-5-15.5 IS AMENDED TO READ AS
- 4 FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 15.5. (a) As used in this
- 5 section:
- 6 "Alcohol abuse" has the meaning set forth in IC 12-7-2-10.
- 7 "Community mental health center" has the meaning set forth in
- 8 IC 12-7-2-38 and IC 12-7-2-39.
- 9 "Division of mental health" refers to the division created under
- 10 IC 12-21-1-1.
- 11 "Drug abuse" has the meaning set forth in IC 12-7-2-72.
- 12 "Inpatient services" means services that require the beneficiary of
- 13 the services to remain overnight in the facility in which the services are
- 14 offered.
- 15 "Mental illness" has the meaning set forth in IC 12-7-2-130(1).
- 16 "Psychiatric hospital" has the meaning set forth in IC 12-7-2-151.
- 17 "State department of health" refers to the department established
- 18 under IC 16-19-1-1.
- 19 "Substance abuse" means drug abuse or alcohol abuse.
- 20 (b) An insurance policy that provides coverage for inpatient
- 21 services for the treatment of:
- 22 (1) mental illness;
- 23 (2) substance abuse; or
- 24 (3) both mental illness and substance abuse;

may not exclude coverage for inpatient services for the treatment of mental illness or substance abuse that are provided by a community mental health center or by any psychiatric hospital licensed by the state department of health or the division of mental health to offer those services.

(c) This section does not apply to an insurance policy issued to an:

- (1) employer with less than twenty-five (25) employees; or**
- (2) individual.**

SECTION 3. IC 27-8-5-26 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 26. (a) This section applies to a policy of accident and sickness insurance issued after June 30, 1997. **This section does not apply to a policy of accident and sickness insurance issued to an:**

- (1) employer with less than twenty-five (25) employees; or**
- (2) individual.**

(b) This section applies to a mastectomy performed after June 30, 1997, that is covered by a policy of accident or sickness insurance issued under this chapter.

(c) As used in this section, "mastectomy" means the removal of all or part of the breast for reasons that are determined by a licensed physician to be medically necessary.

(d) A policy of accident and sickness insurance that provides coverage for a mastectomy may not be issued, amended, delivered, or renewed in Indiana unless the policy provides coverage for:

- (1) prosthetic devices; and
- (2) reconstructive surgery incident to the mastectomy including:
 - (A) all stages of reconstruction of the breast on which the mastectomy has been performed; and
 - (B) surgery and reconstruction of the other breast to produce symmetry;

in the manner determined by the attending physician and the patient to be appropriate.

(e) Coverage for prosthetic devices or reconstructive surgery under this section is subject to:

- (1) the deductible and coinsurance provisions applicable to the mastectomy; and
- (2) all other terms and conditions applicable to other benefits.

(f) Notwithstanding the provisions of this section, if a mastectomy covered under this section is performed, and there is no evidence of malignancy, coverage may be limited to the provision of prosthetic devices and reconstructive surgery for two (2) years following the surgery."

Page 3, between lines 40 and 41, begin a new paragraph and insert:

"SECTION 5. IC 27-8-5.2 IS ADDED TO THE INDIANA CODE

AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY 1, 1999]:

Chapter 5.2. Mandated Benefit Exemptions

Sec. 1. As used in this chapter, "accident and sickness insurance policy" means a policy covering one (1) or more of the kinds of insurance described in Class 1(b) or Class 2(a) of IC 27-1-5-1.

Sec. 2. As used in this chapter, "mandated benefit provision" means a statutory provision that requires coverage for certain health care services (as defined in IC 27-8-11-1) under an accident and sickness insurance policy.

Sec. 3. As used in this chapter, "small business" means a business that employs less than twenty-five (25) employees.

Sec. 4. Notwithstanding any other law, an accident and sickness insurance policy that is issued to an individual or a small business is not subject to any mandated benefit provision and is not required to cover any specifically mandated benefit.

SECTION 6. IC 27-8-5.6-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 1. As used in this chapter, the term "accident and sickness insurance" means any policy or contract covering one (1) or more of the kinds of insurance described in classes 1(b) or 2(a) of IC ~~1971~~, 27-1-5-1, as governed by IC ~~1971~~, 27-8-5. **The term does not include a policy issued or a contract entered into with an:**

- (1) employer with less than twenty-five (25) employees; or**
- (2) individual.**

SECTION 7. IC 27-8-14-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 1. As used in this chapter, "accident and sickness insurance policy" means an insurance policy that:

- (1) provides one (1) or more of the types of insurance described in IC 27-1-5-1, classes 1(b) and 2(a); and
- (2) is issued on a group basis.

The term does not include an insurance policy issued to an employer with less than twenty-five (25) employees or an individual.

SECTION 8. IC 27-8-14.5-0.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 1999]: **Sec. 0.5. This chapter does not apply to a health insurance plan issued to an:**

- (1) employer with less than twenty-five (25) employees; or**
- (2) individual.**

SECTION 9. IC 27-8-24.7-0.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 1999]: **Sec. 0.5. This chapter does not apply to a health insurance policy issued to an:**

- 1 **(1) employer with less than twenty-five (25) employees; or**
 2 **(2) individual.**

3 SECTION 10. IC 27-8-24.7-1 IS AMENDED TO READ AS
 4 FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 1. As used in this
 5 chapter, "health insurance policy" means any ~~individual or~~ group
 6 accident and sickness policy, contract, subscriber agreement, rider,
 7 endorsement, or any contract providing for the delivery of health care
 8 benefits, delivered or issued for delivery in Indiana after June 30, 1996,
 9 by any of the following:

- 10 (1) An insurer.
 11 (2) A fraternal benefit society.
 12 (3) A nonprofit corporation.
 13 (4) A health maintenance organization (as defined in
 14 IC 27-13-1-19).
 15 (5) A preferred provider arrangement under IC 27-8-11.

16 SECTION 11. IC 27-13-7-14 IS AMENDED TO READ AS
 17 FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 14. (a) This section
 18 applies to a contract with a health maintenance organization (as defined
 19 in IC 27-13-1-19) issued after June 30, 1997. **This chapter does not**
 20 **apply to:**

- 21 **(1) an individual contract; or**
 22 **(2) a group contract entered into with an employer with less**
 23 **than twenty-five (25) employees.**

24 (b) This section applies to a mastectomy performed after June 30,
 25 1997, that is covered by a contract with a health maintenance
 26 organization under this chapter.

27 (c) As used in this section, "mastectomy" means the removal of all
 28 or part of the breast for reasons that are determined by a licensed
 29 physician to be medically necessary.

30 (d) A contract with a health maintenance organization under this
 31 chapter that provides coverage for a mastectomy must provide
 32 coverage for:

- 33 (1) prosthetic devices; and
 34 (2) reconstructive surgery incident to the mastectomy including:
 35 (A) all stages of reconstruction of the breast on which the
 36 mastectomy has been performed; and
 37 (B) surgery and reconstruction of the other breast to
 38 produce symmetry;

39 in the manner determined by the attending physician and the
 40 patient to be appropriate.

41 (e) Coverage for prosthetic devices and reconstructive surgery
 42 under this section is subject to:

- 43 (1) the deductible and coinsurance provisions applicable to the
 44 mastectomy; and
 45 (2) all other terms and conditions applicable to other services
 46 under the contract.

(f) Notwithstanding the provisions of this section, if a mastectomy covered under this section is performed, and there is no evidence of malignancy, coverage may be limited to the provision of prosthetic devices and reconstructive surgery for two (2) years following the surgery."

Page 4, after line 34, begin a new paragraph and insert:

"SECTION 13. IC 27-13-7.5 IS ADDED TO THE INDIANA CODE AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY 1, 1999]:

Chapter 7.5. Mandated Benefit Exclusions

Sec. 1. As used in this chapter, "mandated benefit provision" means a statutory provision that requires coverage for certain health care services (as defined in IC 27-8-11-1) under a health maintenance organization contract.

Sec. 2. As used in this chapter, "small business" means a business that employs less than twenty-five (25) employees.

Sec. 3. Notwithstanding any other law:

(1) an individual contract; or

(2) a group contract that is entered into with a small business;

is not subject to any mandated benefit provision and is not required to cover any specifically mandated benefit.

SECTION 14. [EFFECTIVE JULY 1, 1999] IC 27-8-5.2, IC 27-8-14.5-0.5, IC 27-8-24.7-0.5, and IC 27-13-7.5, all as added by this act, apply to an accident and sickness insurance policy or health maintenance organization contract issued, delivered, amended, entered into, or renewed after June 30, 1999.

SECTION 15. [EFFECTIVE JULY 1, 1999] IC 27-8-5-15.5, IC 27-8-5-26, IC 27-8-5.6-1, IC 27-8-14-1, IC 27-8-24.7-1, and IC 27-13-7-14, all as amended by this act, apply to an accident and sickness insurance policy or health maintenance organization contract issued, delivered, amended, entered into, or renewed after June 30, 1999."

Renumber all SECTIONS consecutively.

(Reference is to HB 1951 as printed February 17, 1999.)

Representative Frizzell